

United States Bankruptcy Court
Eastern District of Michigan

In re:

City of Detroit, Michigan,
Debtor.

Case No. 13-53846
Judge Thomas J. Tucker

FILED 20 APR 22 PM 12:08
US BANKRUPTCY ME-FLMI

DARRYL CAIN'S MOTION CHALLENGING THE
TREATMENT OF THE CLAIM AS A CLASS 15
CONVENIENCE CLAIM

Now Comes Darryl Cain, Creditor, challenging the treatment of his Claim as a Class 15 Convenience claim rather than under some other class under the Plan and states as follows:

1. The treatment discriminate unfairly and is not fair and equitable with respect to Class.
2. The treatment is not in the best interests of creditors the requirements of § 1129(a)(8) are not met and does not meet the alternative requirements.
3. Discrimination is said to be unfair when there is no reason to prefer one group of unsecured claims over another.
4. § 1123(a)(4) provide the same treatment for each claim or interest of a particular class, unless the holder of a particular claim or interest agrees to a less favorable treatment of such particular claim or interest;

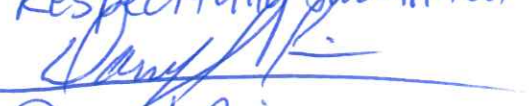
5. I am an involuntary Creditor that did not assume the risk of nonpayment because § 1983 guarantee me Compensation when State actors violate my rights.

6. Involuntary Creditors, generally have statutory, tort, or Constitutional Claims against the City. That presumably had no opportunity to perform due diligence or to limit the risk of ~~non-payment~~ payment.

7. Debtor failed to show that separately classifying unsecured Claims was reasonable and necessary for administrative Convenience; rather, debtor's purpose was to isolate claim of ^{one} dissenting creditor, to create separate Class consisting of all other general unsecured Claims, and to provide that class with more favorable treatment, all for purpose of obtaining acceptance by impaired class.

8. Most importantly I did not agree to have my claim reduced to \$25,000.00 and treat it as a "Class 15 Convenience Claim. Why would I Sue ~~for~~ \$51,320,000.00 then agree to have it reduced to \$25,000.00? that's why the Voting Ballot was forged for the City's Convenience, I did not vote for Class 15.

Therefore, Darryl Cain asks and request that his claim be Classed and treated differently other than a Class 15 Convenience claim for the above mentioned reasons.

Respectfully Submitted

Darryl Cain
Creditor

Date: April 16, 2020

CERTIFICATE OF SERVICE

I Darryl R. declare under the penalty of perjury I mailed by expedited legal mail One Copy of Darryl Cain's Motion Challenging the treatment of the Claim as a Class 15 Convenience Claim to the Office of the Clerk, U.S. Bankruptcy Court, 211 W. Fort St., Detroit, MI 48226 and one Copy to Miller, Canfield, Paddock and Stone, P.L.C., ¹⁵⁰ ~~150~~ West Jefferson, Suite 500, Detroit, MI 48226 with Certificate of Service / Proof of Service attached on April 16, 2020.

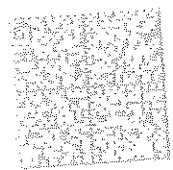
Date: April 16, 2020

Respectfully Submitted

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